

02/22/05

RCE  
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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/389,782
Filing Date	September 3, 1999
First Named Inventor	Dunstan et al.
Group / Art Unit	1642
Examiner Name	Larry R. Helms
Attorney Docket No.	A-604A

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provision of the AIPA. See Changes to Application Examination and Provisional Application Practice Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

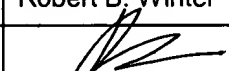
2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.


- a. ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 01-0519
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$790.00.
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) in the amount of \$ \_\_\_\_\_. If an additional extension of time is required, please consider this a request therefor.
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

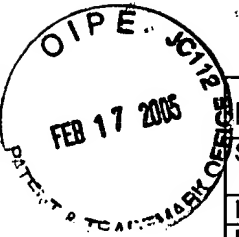
NAME (Print/Type)	Robert B. Winter	Registration No. (Attorney/Agent)	34,458
SIGNATURE		Date:	February 17, 2005

**EXPRESS MAIL CERTIFICATION, #EV 351337033 US**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

NAME (Print/Type)	Sherry St. Andrew		
SIGNATURE		Date:	February 17, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**PATENT APPLICATION****FEE AUTHORIZATION / AMENDMENT TRANSMITTAL**

Attorney's Docket No: A-604A

Serial No. 09/389,782	Filing Date September 3, 1999	Examiner Larry R. Helms	Group Art Unit 1642
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In Re Application of: Dunstan et al.

For: OPG Fusion Protein Compositions and Methods

**TO THE COMMISSIONER FOR PATENTS:**

- ☒ Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a):
- ☐ One month of original due date (\$120.00)
  - ☐ Two months of original due date (\$450.00)
  - ☐ Three months of original due date (\$1,020.00)
  - ☐ Four months of original due date (\$1,590.00)
  - ☒ Five months of original due date (\$2,160.00)
- ☒ A response in connection with the matter for which this extension is requested:
- ☒ is filed herewith.
  - ☐ has been filed.
  - ☐ The response is the filing of a continuing application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application.
- ☒ The accompanying papers include amended claims for which no additional fee is required.
- ☐ The accompanying papers include amended claims the fee for which has been calculated as follows:

**CLAIMS AS AMENDED**

(1)	(2) Claims remaining After amendment	(3)	(4) Highest number Previously paid for	(5) No. of Extra claims present	(6) Rate	(7) Additional Fee
Total Claims	16	Minus	55	= 0	x \$50	= \$ 0.00
Indep. Claims	2	Minus	4	= 0	x \$200	= \$ 0.00
<input type="checkbox"/> First Appearance of a multiple dependent claim					+ \$360	= \$ 0.00
Total Additional Fee for this Amendment						\$ 0.00


- \* If the entry in column 2 is less than the entry in column 4, write "0" in column 5.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.

- ☐ The following other fees are incurred by the accompanying papers.
- ☐ Other: \_\_\_\_\_
- ☒ Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$2,160.00. A duplicate copy of this petition is attached.
- ☒ If an additional extension of time is required, please consider this a request therefore.
- ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 01-0519.

Please Send Future Correspondence To:

**21069**

U.S. Patent Operations/RBW  
Dept. 4300, M/S 27-4-A  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, California 91320-1799, USA

  
Robert B. Winter  
Attorney/Agent for Applicant(s)  
Registration No.: 34,458  
Phone: (805) 447-2425  
Date: February 17, 2005

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mail labeling number:

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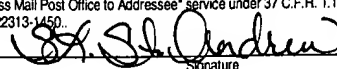
Date of Deposit:

February 17, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sherry St. Andrew

Printed Name

  
Signature